

Substitute Bill No. 6645

January Session, 2001

AN ACT CONCERNING THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- Section 1. Subsection (a) of section 14-49b of the general statutes is repealed and the following is substituted in lieu thereof:
- 3 (a) For [the] each new registration or renewal of registration of any 4 motor vehicle with the Commissioner of Motor Vehicles pursuant to 5 this chapter, the person registering such vehicle shall pay to the commissioner a fee of [four] ten dollars [at the time of each renewal of 6 registration] for registration for a biennial period and five dollars for 8 registration for an annual period, except that any individual who is 9 sixty-five years of age or older on or after January 1, 1994, may, at [his 10 discretion the discretion of such individual, pay the fee for either a 11 one-year or two-year period. The provisions of this section shall not 12 apply with respect to any motor vehicle which is not self-propelled, 13 which is electrically powered, or which is exempted from payment of a 14 registration fee. This fee may be identified as the "federal Clean Air Act 15 fee" on any registration form provided by the commissioner. Payments 16 collected pursuant to the provisions of this section shall be deposited 17 as follows: (1) Fifty-seven and one-half per cent of such payments 18 collected shall be deposited into the Special Transportation Fund 19 established pursuant to section 13b-68, and (2) forty-two and one-half 20 per cent of such payments collected shall be deposited in a treasurer's

- 21 account and credited to a separate, nonlapsing federal Clean Air Act 22 account which shall be established by the Comptroller within the 23 General Fund. The <u>federal Clean Air Act</u> account may be used to pay 24 any costs to state agencies of implementing the requirements of the 25 federal Clean Air Act Amendments of 1990 that are not otherwise met 26 by the fees collected pursuant to section 22a-174a. All moneys 27 deposited in this account are deemed to be appropriated for this 28 purpose. The fee required by this section is in addition to any other 29 fees prescribed by any other provision of this title for the registration 30 of a motor vehicle.
- 31 Sec. 2. Section 14-164c of the general statutes is repealed and the 32 following is substituted in lieu thereof:
 - (a) No person shall fail to maintain in good working order or remove, dismantle or otherwise cause to be inoperative any equipment or feature constituting an operational element of the air pollution control system or mechanism of a motor vehicle required by regulations of the Commissioner of Environmental Protection to be maintained or on the vehicle. Any such failure to maintain in good working order or removal, dismantling or causing of inoperability shall subject the owner thereof to revocation of registration for such vehicle by the Commissioner of Motor Vehicles unless all parts and equipment constituting elements of air pollution control have been made operable and in good working order within thirty days of notice by said commissioner of such violation. Any such failure shall be considered a failure to comply with the periodic inspection requirements established under subsection (c) of this section. As used in this section, motor vehicle shall have the same meaning as is provided in section 14-1.
 - (b) The Commissioner of Environmental Protection shall consult with the Commissioner of Motor Vehicles and furnish [him] the commissioner with technical information, including testing techniques, standards and instructions for emission control features and equipment. The Commissioner of Environmental Protection shall

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furnish the Commissioner of Motor Vehicles with emission standards for all motor vehicles designated as a 1968 or later model. Such standards shall be consistent with provisions of federal law, if any, relating to control of emissions from the vehicles concerned or any regulations adopted by the Commissioner of Environmental Protection which implement the low-emission vehicle and clean fuels regulations adopted by the state of California, as amended. Such standards shall be periodically reviewed by the Commissioner of Environmental Protection and revised, if necessary, to achieve the objectives of the vehicle emission inspection program.

(c) The commissioner shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section. Such regulations shall include provision for a periodic inspection of air pollution control equipment and compliance or waiver with exhaust emission standards or compliance or waiver with on-board diagnostic standards or other standards defined by the Commissioner of Environmental Protection and approved by the Administrator of the United States Environmental Protection Agency, compliance or waiver with, air pollution control system integrity standards defined by the Commissioner of Environmental Protection and compliance or waiver with purge system standards defined by the Commissioner of Environmental Protection. Such regulations shall provide for an inspection procedure using an on-board diagnostic information system for all 1996 model year and newer motor vehicles. Such regulations shall apply to all motor vehicles registered or which will be registered in this state except: (1) Vehicles having a gross weight of more than ten thousand pounds; (2) vehicles powered by electricity; (3) bicycles with motors attached; (4) motorcycles; (5) vehicles operating with a temporary registration; (6) vehicles manufactured twenty-five or more years ago; (7) new vehicles at the time of initial registration; (8) vehicles registered but not designed primarily for highway use; (9) farm vehicles, as defined in subsection (q) of section 14-49; (10) antique, rare or special interest motor vehicles, as defined in section 14-1; (11) diesel-powered type II school buses; or (12) a vehicle operated

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by a licensed dealer or repairer either to or from a location of the purchase or sale of such vehicle or for the purpose of obtaining an official emissions or safety inspection. [Not later than October 1,] On and after July 1, 2002, such regulations shall exempt from the periodic inspection requirement any vehicle [manufactured] four or less [years ago] model years of age, beginning with model year 2003 and the previous three model years, provided that such exemption shall lapse upon a finding by the Administrator of the United States Environmental Protection Agency or by the Secretary of the United States Department of Transportation that such exemption causes the state to violate applicable federal environmental or transportation planning requirements. Notwithstanding any provisions of this subsection, the commissioner may require an initial emissions inspection and compliance or waiver prior to registration of a new motor vehicle. If the Commissioner of Environmental Protection finds that it is necessary to inspect motor vehicles which are exempt under subdivision (1) or (4) of this subsection, or motor vehicles that are four or less model years of age in order to achieve compliance with federal law concerning emission reduction requirements, the Commissioner of Motor Vehicles may adopt regulations, in accordance with the provisions of chapter 54, to require the inspection of motorcycles, designated motor vehicles having a gross weight of more than ten thousand pounds or motor vehicles four or less model years of age.

(d) No motor vehicle subject to the inspection requirements of this section shall be operated upon the highways of this state unless such vehicle has [evidence of inspection and compliance with subsection (c) of this section] been presented for inspection in accordance with a schedule for inspection and compliance as established by the commissioner. The commissioner shall grant waivers from compliance with standards for vehicles which fail any required inspection and require an unreasonable cost of repair to bring the vehicle into compliance. The commissioner may determine compliance of a vehicle that has failed an emissions retest by means of a complete physical and functional diagnosis and inspection of the vehicle, in accordance with

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the provisions of 40 CFR Part 51.360, showing that no additional emissions-related repairs are needed. An extension of time, not to exceed the period of inspection frequency, may be granted to obtain needed repairs on a vehicle in the case of economic hardship of the owner. Only one such extension may be granted for any vehicle. The commissioner [shall] may design a sticker to be affixed to the windshield of [such] each vehicle which shall bear the date of expiration of the assigned inspection period on both sides. The commissioner may also design a sticker to be affixed to the windshield of each vehicle that is exempt from the requirements of this chapter, which sticker shall bear the date, if any, on which such vehicle is no longer exempt and is required to be presented for inspection. As used in this section, "unreasonable cost of repair" means cost of repair in excess of the amounts required to be expended by Title 40, Part 51.360 of the Code of Federal Regulations, as amended.

(e) In order to provide for emissions inspection facilities, the commissioner [shall] may enter into a negotiated inspection agreement or agreements, notwithstanding chapters 50, 58, 59 and 60, with an independent contractor or contractors, to provide for the leasing, construction, equipping, maintenance or operation of a system of official emissions inspection stations in such numbers and locations as may be required to provide vehicle owners reasonably convenient access to inspection facilities. [The commissioner may employ such system and the services of such contractor or contractors to conduct safety inspections as provided by section 14-16a, subsection (g) of section 14-12 and section 14-103a.] The commissioner is prohibited from entering into an inspection agreement with any independent contractor who: (1) Is engaged in the business of maintaining or repairing vehicles in this state, except that the independent contractor shall not be precluded from maintaining or repairing any vehicle owned or operated by the independent contractor; or (2) does not have the capability, resources or technical and management skill to adequately conduct, equip, operate and maintain a sufficient number of official emissions inspection stations. All persons employed by the

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independent contractor in the performance of an inspection agreement are deemed to be employees of the independent contractor and not of this state. The inspection agreement or agreements authorized by this section shall be subject to other provisions as follows: (A) Minimum requirements for staff, equipment, management and hours and place of operation of official emissions inspection stations including such additional testing facilities as may be established and operated in accordance with subsection (g) of this section; (B) reports and documentation concerning the operation of official emissions inspection stations and additional testing facilities as the commissioner may require; (C) surveillance privileges for the commissioner to ensure compliance with standards, procedures, rules, regulations and laws; and (D) any other provision deemed necessary by the commissioner for the administration of the inspection agreement. Nothing in the inspection agreement shall require the state to purchase any asset or assume any liability if such agreement is not renewed.

(f) (1) The commissioner may authorize and appoint any motor vehicle dealer or repairer that is licensed in accordance with section 14-52 and that has the qualifications established by the commissioner to conduct emissions inspections of 1996 model year and newer vehicles in a designated area of its licensed premises and to report the results thereof to the Department of Motor Vehicles, provided such licensee signs a statement that such licensee understands the provisions of this section and regulations adopted under authority of this section, understands the necessity to comply with administrative and technical directives and advisories that the commissioner issues and understands that any failure by such licensee to comply with this section, the regulations or the directives or advisories constitutes grounds for the commissioner to suspend or revoke the authority for such licensee to conduct inspections.

(2) Each such licensee shall conduct an emissions inspection of any registered motor vehicle requiring such an inspection at any time during its normal and posted hours of operation, when such motor vehicle is presented by its owner. No such licensee shall charge any fee

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- for the inspection except the fee authorized by subsection (i) of this section. The results of each emissions inspection performed in accordance with this subsection shall be evidenced by a written vehicle inspection report, containing such information and certification by the inspecting licensee as the commissioner shall prescribe. The licensee shall furnish a copy of such inspection report to the operator of the motor vehicle at the time of completion of the inspection.
- (3) No such licensee may be appointed by the commissioner nor may any such licensee conduct any inspection unless the licensee has in its employ one or more certified emissions inspectors and repair technicians. Such inspectors and technicians shall conduct all inspections and related emissions repair work, and shall meet the training and certification requirements in 40 CFR Part 51.367, and of the regulations adopted by the commissioner in accordance with this subsection.
 - (4) The commissioner may suspend or revoke the authority to conduct emissions inspections by any such licensee that is authorized to conduct emissions inspections if the licensee fails to comply with the provisions of this section, regulations adopted under authority of this section, or administrative or technical directives or advisories that the commissioner issues.
 - (5) The commissioner shall adopt regulations, in accordance with chapter 54, to establish the qualifications for such licensees to be authorized and appointed to conduct emissions inspections, and to establish standards and procedures for such inspections, reporting requirements by such licensees and training and certification requirements for inspectors and technicians.
 - (g) The independent contractor retained by the state in accordance with the provisions of subsection (e) of this section may conduct emissions inspections of 1996 model year and newer motor vehicles using the on-board diagnostic test procedure and standards at one or more facilities owned or operated by a motor vehicle dealer or dealers,

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222 licensed in accordance with section 14-52. No such inspection facility 223 located on the premises of a licensed dealer shall be operated without 224 the prior approval of the commissioner. The operation of each such 225 facility shall be subject to such procedures and requirements, to be 226 followed by the contractor and the licensee, as may be prescribed by 227 the terms and conditions of the contract entered into in accordance 228 with the provisions of subsection (e) of this section, and in regulations 229 as may be adopted by the commissioner in accordance with chapter 54. 230 The state shall not be a party to, or assume or incur any liability of any 231 kind under any agreement entered into between the independent 232 contractor and any dealer, in furtherance of the provisions of this 233 subsection. The contract entered into by the state in accordance with 234 the provisions of subsection (e) of this section shall provide for 235 indemnification of the state with respect to the operation of any such 236 inspection facility located at a motor vehicle dealership, in the same 237 manner and to the same extent as the operation of an official emissions 238 inspection station.

[(f)] (h) The commissioner may license an owner or operator of a fleet of motor vehicles which are subject to emissions inspection pursuant to subsection (c) of this section or section 14-164i, to establish a fleet emissions inspection station, provided that the fleet owner or operator conforms with regulations for fleet emissions inspection stations adopted by the commissioner which shall specify the classes or other characteristics of vehicles eligible for inspection at such stations. The commissioner may establish a program for the on-road testing of motor vehicles subject to this chapter. The program shall test not less than one-half of one per cent of vehicles every inspection cycle under conditions of highway operation in order to provide information concerning the emission performance of such in-use vehicles. Testing may be performed by means of remote sensing devices, or roadside pullovers followed by tailpipe emissions testing using a suitable, portable device and recording system. Owners of vehicles that have previously been through scheduled periodic inspection and passed, and are found by on-road testing to be high

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emitters, in accordance with the standards established under subsection (b) of this section and the regulations adopted under subsection (c) of this section, shall be notified that their vehicles are required to pass an out-of-cycle follow-up inspection at an inspection station. Notification may be made by mailing in the case of remote sensing on-road testing or through immediate notification if roadside pullovers are used. The commissioner may use the services of the independent contractor or contractors to implement the on-road testing program. If a method of roadside pullovers is used in the program, such method shall be employed with due regard to traffic safety considerations and performed with the assistance of inspectors of the Department of Motor Vehicles or members of state or municipal police forces.

[(g)] (i) (1) The commissioner, with approval of the Secretary of the Office of Policy and Management, shall establish, and from time to time modify, the inspection fees, not to exceed ten dollars per annual inspection or twenty dollars for each biennial inspection or reinspection required pursuant to this chapter for inspections performed at official emissions inspection stations. Such fees shall be paid in a manner prescribed by the commissioner. If the costs to the state of the emissions inspection program, including administrative costs and payments to any independent contractor, exceed the income from such [inspection] fees, such excess costs shall be borne by the state. Any person whose vehicle has been inspected at an official emissions inspection station shall, if such vehicle is found not to comply with any required standards, have the vehicle repaired and have the right within thirty consecutive calendar days to return such vehicle for one reinspection without charge, provided, where the thirtieth day falls on any day when the official emissions inspection station is closed for business, such person may return such vehicle for reinspection on the next day on which such station is open for business. The commissioner shall assess a late fee of twenty dollars for the emissions inspection of a motor vehicle performed at an official emissions inspection station later than thirty days after the expiration

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date of the assigned inspection period provided the commissioner may waive such late fee when it is proven to the commissioner's satisfaction that the failure to have the vehicle inspected within thirty days of the assigned inspection period was due to exigent circumstances. If ownership of the motor vehicle has been transferred subsequent to the expiration date of the assigned inspection period and the new owner has such motor vehicle inspected within thirty days of the registration of such motor vehicle, the commissioner shall waive the late fee. If the thirtieth day falls on any day when the official emissions inspection station is closed for business, such vehicle may be inspected on the next day on which such station is open for business and no late fee shall be assessed. [The ten-dollar fee imposed pursuant to this subsection shall terminate at the expiration of the negotiated agreement in effect on June 1, 2000. The commissioner shall then establish a temporary inspection fee to remain in effect until such time as the General Assembly establishes a new fee.]

(2) If the commissioner authorizes a licensed dealer or repairer to conduct emissions inspections of 1996 model year and newer vehicles required by this chapter, the commissioner may authorize such licensee to charge a fee, not to exceed twenty dollars for each biennial inspection or reinspection. Upon the registration of each new motor vehicle subject to the inspection requirements of this chapter, or of each motor vehicle that is four or less model years of age that has not been registered previously in this state, the commissioner shall issue a sticker indicating the exempt status of such motor vehicle and the date on which the motor vehicle is scheduled to be presented for inspection. Such sticker shall be displayed on the motor vehicle in accordance with subsection (d) of this section. The commissioner shall charge a fee of forty dollars in addition to any other fees required for such registration. All receipts from the payment of such fee shall be deposited in the Special Transportation Fund. Any person whose vehicle is inspected by a licensed motor vehicle dealer or repairer appointed by the commissioner in accordance with the provisions of subsection (f) of this section shall, if such vehicle is found not to

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- comply with any required standard, have the vehicle repaired and have the right no later than the thirtieth day following the date of the inspection to return such vehicle to the same facility for one reinspection without charge, provided, if the thirtieth day falls on any day when the inspection facility is closed for business, such person may return such vehicle for reinspection without charge on the next
- 330 day on which such station is open for business.

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- [(h)] (j) The commissioner may acquire in the name of the state by purchase, lease, gift, devise or otherwise any special equipment, tools, materials or facilities needed to adequately administer, investigate or enforce the provisions of this chapter.
- [(i)] (k) A person shall not in any manner represent any place to be an official emissions inspection station unless such station has been established and is operated under a valid inspection agreement with the commissioner.
- [(j)] (1) No person, firm or corporation shall operate or allow to be operated any motor vehicle that has not been inspected and found to be in compliance with the provisions of subsections (c), (d) and [(f)] (h) of this section and the regulations adopted by the commissioner. Operation in violation of <u>said</u> subsections [(c), (d) and (f) and] <u>or</u> the regulations adopted by the commissioner shall be an infraction for each violation, except that the fine for a first violation shall be thirtyfive dollars. The commissioner may deny the issuance of registration to the owner of a motor vehicle, or the renewal of registration to any such owner, or suspend any registration that has been issued, if such motor vehicle is not in compliance with the inspection requirements of this chapter.
- Sec. 3. (NEW) Notwithstanding the provisions of chapters 50, 58, 59 and 60 of the general statutes, the Commissioner of Motor Vehicles may enter into one or more agreements with one or more nonprofit associations or organizations representing the interests of motor vehicle dealers or repairers conducting business in this state for any

one or more of the following purposes: (1) To facilitate the designation by the Commissioner of Motor Vehicles of licensed dealers and repairers qualified to conduct emissions inspections in accordance with subsection (f) of section 14-164c of the general statutes, as amended by this act, (2) to establish and maintain necessary electronic data capture and reporting systems for all emissions inspection activities, (3) to assist in the provision of technical training, education and certification of inspectors and repair technicians, (4) to enhance communications with licensees who are authorized to conduct emissions inspections and with the owners of motor vehicles subject to inspection requirements, and (5) to provide such additional services or administrative assistance as may be requested by the commissioner. No such agreement shall require the state to purchase any asset or to assume any unfunded liability.

- Sec. 4. (NEW) Notwithstanding the provisions of section 13b-61 of the general statutes, commencing on July 1, 2001, and on each October, January, April and July first thereafter, the State Comptroller shall transfer from the Special Transportation Fund into the Emissions Enterprise Fund, one million six hundred twenty-five thousand dollars of the funds received by the state pursuant to the fees imposed under sections 14-49b and 14-164c of the general statutes, as amended by this act.
- 378 Sec. 5. Subsection (b) of section 14-164i of the general statutes is 379 repealed and the following is substituted in lieu thereof:
 - (b) Not later than October 1, 1997, the Commissioner of Motor Vehicles shall provide for the commencement of emissions inspections of diesel-powered commercial motor vehicles operated on the highways of this state using the method or methods selected by the commissioner under subsection (a) of this section. Such inspections shall be performed in conjunction with any safety or weight inspection at any official weighing area or other location designated by the commissioner. In lieu of any such inspection performed by the commissioner, the commissioner may accept the results of an

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- 389 inspection performed (1) by agreement with an owner or operator of a 390 fleet of diesel-powered commercial motor vehicles licensed by the commissioner pursuant to subsection [(f)] (h) of section 14-164c, as 392 amended by this act, or (2) by any licensed motor vehicle dealer or 393 repairer authorized by the commissioner, pursuant to this section, to 394 establish a diesel-powered commercial motor vehicle inspection 395 station. The Commissioner of Motor Vehicles shall design a sticker to 396 be affixed to the windshield of a diesel-powered commercial motor 397 vehicle which shall bear the date of inspection.
- 398 Sec. 6. Subsection (b) of section 13b-61 of the general statutes is 399 repealed and the following is substituted in lieu thereof:
 - (b) Notwithstanding any provision of subsection (a) of this section to the contrary, there shall be paid promptly to the State Treasurer and thereupon, unless required to be applied by the terms of any lien, pledge or obligation created by or pursuant to the 1954 declaration, part III (C) of chapter 240, credited to the Special Transportation Fund:
 - (1) On and after July 1, 1984, all moneys received or collected by the state or any officer thereof on account of, or derived from, sections 12-458 and 12-479, provided the State Comptroller is authorized to record as revenue to the General Fund for the fiscal year ending June 30, 1984, the amount of tax levied in accordance with said sections 12-458 and 12-479, on all fuel sold or used prior to the end of said fiscal year and which tax is received no later than July 31, 1984;
 - (2) On and after July 1, 1984, all moneys received or collected by the state or any officer thereof on account of, or derived from, motor vehicle receipts;
- 415 (3) On and after July 1, 1984, all moneys received or collected by the 416 state or any officer thereof on account of, or derived from, (A) 417 subsection (a) of section 14-192, and (B) royalty payments for retail 418 sales of gasoline pursuant to section 13a-80;
- 419 (4) On and after July 1, 1985, all moneys received or collected by the

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- 420 state or any officer thereof on account of, or derived from, license,
- 421 permit and fee revenues as defined in section 13b-59, except as
- 422 provided under subdivision (3) of this subsection;
- 423 (5) On or after July 1, 1989, all moneys received or collected by the
- 424 state or any officer thereof on account of, or derived from, section 13b-
- 425 70;
- 426 (6) On and after July 1, 1984, all transportation-related federal
- 427 revenues of the state;
- 428 (7) On and after July 1, 1997, all moneys received or collected by the
- 429 state or any officer thereof on account of, or derived from, fees for the
- 430 relocation of a gasoline station under section 14-320;
- 431 (8) On and after July 1, 1997, all moneys received or collected by the
- 432 state or any officer thereof on account of, or derived from, section 14-
- 433 319;
- 434 (9) On and after July 1, 1997, all moneys received or collected by the
- 435 state or any officer thereof on account of, or derived from, fees
- 436 collected pursuant to section 14-327b for motor fuel quality registration
- 437 of distributors;
- 438 (10) On and after July 1, 1997, all moneys received or collected by
- 439 the state or any officer thereof on account of, or derived from, annual
- 440 registration fees for motor fuel dispensers and weighing or measuring
- 441 devices pursuant to section 43-3;
- 442 (11) On and after July 1, 1997, all moneys received or collected by
- 443 the state or any officer thereof on account of, or derived from, fees for
- 444 the issuance of identity cards pursuant to section 1-1h;
- 445 (12) On and after July 1, 1997, all moneys received or collected by
- 446 the state or any officer thereof on account of, or derived from, safety
- 447 fees pursuant to subsection (w) of section 14-49;
- 448 (13) On and after July 1, 1997, all moneys received or collected by

- the state or any officer thereof on account of, or derived from, late fees for the emissions inspection of motor vehicles pursuant to subsection
- 451 [(g)] (i) of section 14-164c, as amended by this act;
- 452 (14) On and after July 1, 1997, all moneys received or collected by
- 453 the state or any officer thereof on account of, or derived from, the sale
- 454 of information by the Commissioner of Motor Vehicles pursuant to
- 455 subsection (b) of section 14-50a; and
- 456 (15) On and after October 1, 1998, all moneys received by the state
- or any officer thereof on account of, or derived from, section 14-212b.
- Sec. 7. This act shall take effect from its passage, except that section
- 459 2 shall take effect July 1, 2002.
 - TRA JOINT FAVORABLE SUBST.
 - **APP** JOINT FAVORABLE